

Message Text

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SUBJECT: PROPOSALS FOR HOUSE OF COMMONS SCRUTINY OF EC
SECONDARY LEGISLATION

1. A SELECT COMMITTEE OF THE HOUSE OF COMMONS HAS
RECOMMENDED PROCEDURES THAT WOULD GIVE THE BRITISH
PARLIAMENT A GREATER OPPORTUNITY TO EXPRESS ITS VIEWS
ON PROPOSALS UNDER CONSIDERATION WITHIN THE EUROPEAN
COMMUNITY BEFORE THESE PROPOSALS GO TO THE EC COUNCIL
FOR DECISION.

2. THE COMMITTEE'S REPORT, WHICH WAS PUBLISHED LAST
WEEK, NOTES THAT REGULATIONS ADOPTED BY THE EC COUNCIL
TAKE EFFECT IMMEDIATELY AS PART OF THE LAW OF THE UK
AND PREVAIL OVER ANY UK LAW WHICH IS INCONSISTENT WITH
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THEM. THE REPORT CONCLUDES THAT NEW PROCEDURES FOR

PARLIAMENTARY SCRUTINY OF EC SECONDARY LEGISLATION ARE REQUIRED IN ORDER TO ENSURE THAT CONTROL OF THE LAW-MAKING PROCESS IN THE UNITED KINGDOM CONTINUES TO RESIDE IN PARLIAMENT. IN IMPLEMENTING SUCH PROCEDURES, THE REPORT SAYS, THE GOVERNMENT WILL HAVE TO ACCEPT A LOSS OF SOME OF THE FREEDOM OF ACTION THAT IT HAS ENJOYED SINCE BRITAIN ENTERED THE EC. PARLIAMENT, FOR ITS PART, WILL HAVE TO BECOME "ATTUNED TO THE FACT THAT IT IS DEALING WITH A NEW WAY OF MAKING LAWS WHICH IS VERY DIFFERENT FROM THAT TO WHICH IT IS ACCUSTOMED."

3. THE SELECT COMMITTEE'S RECOMMENDATIONS WERE UNANIMOUS, DESPITE THE FACT THAT ITS MEMBERSHIP INCLUDES BOTH SUPPORTERS AND OPPONENTS OF BRITAIN'S ENTRY INTO THE EC. (TWO OF THE LABOUR PARTY'S MOST VOCAL ANTI-MARKETEERS, MICHAEL FOOT AND PETER SHORE' ARE COMMITTEE MEMBERS.) THE HOUSE IS EXPECTED TO DEBATE THE COMMITTEE'S REPORT BEFORE THE END OF THIS YEAR.

4. WE ARE FORWARDING THE TEXT OF THE SELECT COMMITTEE'S REPORT BY AIRGRAM. THE FOLLOWING IS A SUMMARY OF ITS MAIN RECOMMENDATIONS: A SINGLE MINISTER, PRESUMABLY THE CHANCELLOR OF THE DUCY OF LANCASTER, SHOULD HAVE SPECIFIC RESPONSIBILITY FOR KEEPING PARLIAMENT INFORMED OF PROPOSED EC SECONDARY LEGISLATION. A NEW LAW OFFICER, ALSO OF MINISTERIAL RANK, SHOULD BE APPOINTED TO INFORM PARLIAMENT OF THE LEGAL CONSEQUENCES AND IMPLICATIONS OF PROPOSALS. A COMMITTEE OF OFFICIALS DRAWN FROM VARIOUS GOVERNMENT MINISTRIES AND DEPARTMENTS WOULD, IN THE FIRST INSTANCE, SIFT THROUGH PENDING EC SECONDARY LEGISLATION AND SET ASIDE PROPOSALS CONSIDERED TO BE UNIMPORTANT. THE MINISTER AND THE LAW OFFICER WOULD THEN PRESENT THE RESULTS OF THIS SIFTING PROCESS TO A NEW COMMITTEE OF MPS, WHOSE FUNCTION WOULD BE TO INFORM THE HOUSE OF ANY PROPOSALS OF LEGAL OR POLITICAL IMPORTANCE. THE HOUSE OF COMMONS WOULD THEN DEBATE THESE PROPOSALS. THE GOVERNMENT WOULD BE EXPECTED NOT TO ALLOW THE LAW OF THE UK TO BE CHANGED CONTRARY TO TO A RESOLUTION OF THE HOUSE.

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4. THE SELECT COMMITTEE RECOMMENDS CERTAIN IMPROVEMENTS IN THE PROCEDURES UNDER WHICH THE GOVERNMENT NOW KEEPS THE HOUSE OF COMMONS INFORMED OF EC SECONDARY LEGISLATION. IT ALSO SUGGESTS THAT THE GOVERNMENT SHOUL SHOULD PROVIDE PARLIAMENT WITH A GENERAL REPORT ON EC DEVELOPMENTS EVERY SIX MONTHS, AND THAT MORE TIME SHOULD BE ALLOTTED IN THE HOUSE FOR DEBATES ON EC MATTERS.

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